

**KATE McKENNA, AICP**  
Executive Officer

**MINUTES OF THE  
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY**

*Adopted on December 3, 2007*

*An audio recording of this meeting is available at the LAFCO office. Please contact us at (831) 754-5838 to arrange a time to listen or to order a copy.*

**Regular Meeting**

**Monday, October 22, 2007, 4:00 p.m.**

**Board of Supervisors Chambers  
Monterey County Government Center  
168 West Alisal, First Floor  
Salinas, California**

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order by Chair DiMaggio at 4:08 p.m. in the Monterey County Board of Supervisors Chambers. Chair DiMaggio led the Pledge of Allegiance.

**ROLL CALL**

**Members Present**

Commissioner DiMaggio, Chair *(Public Member)*  
Commissioner Armenta, Alternate *(County Member)*  
Commissioner Darington, Alternate *(Public Member)*  
Commissioner Donohue, Vice-Chair *(City Member)*  
Commissioner Calcagno, *(County Member)*  
Commissioner Gourley, Alternate *(City Member)*  
Commissioner Perkins, *(Special District Member)*  
Commissioner Rubio, *(City Member)*  
Commissioner Shirrel, Alternate *(Special District Member)*

**Members Not Present**

Commissioner McGowan *(Special District Member)*  
Commissioner Potter, Interim for Commissioner Smith *(County Member)*

**Staff Present**

Kate McKenna, AICP, Executive Officer  
Thom McCue, Senior Analyst  
Elliot Mulberg, Senior Analyst  
Frank Tiesen, LAFCO Counsel  
Rachelle Jones, LAFCO Clerk

**Item 4: Minutes**

**4.a Approval of Minutes of the September 24, 2007 Regular LAFCO Meeting.**

Upon Motion of Commissioner Donohue, seconded by Commissioner Armenta, minutes of the September 24, 2007 regular LAFCO meeting, were approved by the following vote:

AYES: Commissioners Donohue, Armenta, Calcagno, DiMaggio, and Perkins  
NOES: None  
ABSTAIN: Commissioner Rubio

**Removal of Agenda Item 9.a - Consideration of the Draft City of Greenfield Area Memorandum of Agreement Between the City of Greenfield, the County of Monterey and LAFCO, to Implement a Condition of Approval of the March 2007 Approval of the City's Sphere of Influence Expansion (LAFCO File 06-10).**

Prior to public comment, Chair DiMaggio recommended removal of item 9.a from the agenda.

Upon Motion of Commissioner Perkins, seconded by Commissioner Rubio, agenda item 9.a, Consideration of the Draft City of Greenfield Area Memorandum of Agreement Between the City of Greenfield, the County of Monterey and LAFCO, to Implement a Condition of Approval of the March 2007 Approval of the City's Sphere of Influence Expansion (*LAFCO File 06-10*), was unanimously removed from the agenda.

**Item 5: Public Comment:**

Hans Jongens spoke concerning protection of agriculture land, global warming, and the economy.

City of Greenfield Mayor, John Huerta, said that the City will continue to work with the County on a Memorandum of Understanding, and will keep all interested parties informed of its progress.

Commissioner DiMaggio closed the floor to Public Comment.

**Item 6: Commissioner Comment:**

None.

**Item 7 (a-e): Consent Agenda:**

Executive Officer McKenna provided staff report.

Consent Agenda Items 7.d, Approve Comments on the Draft Environmental Impact Report for the Amaral Annexation and Sphere of Influence Amendment to the City of Greenfield, and 7.e Approve Comments on the Draft Supplement Environment Impact Report for the City of Salinas General Plan Final Program Environmental Impact Report, were pulled for discussion.

**7.d (Pulled Consent Agenda Item) Approve Comments on the Draft Environmental Impact Report for the Amaral Annexation and Sphere of Influence Amendment to the City of Greenfield. The Proposal would Facilitate the Development of Approximately 419 Residential Units and Open Space on 155 Acres on the Northwest Side of the Existing City.**

Chair DiMaggio opened this item for public comment.

Public Comment

Christine Kemp, attorney representing Manuel Amaral, submitted and discussed a letter addressed to the Commission that outlines disagreements with the LAFCO comments on the Draft Environmental Impact Report for the Amaral Annexation.

Brian Finegan, attorney representing J. Lohr Vineyards, spoke against growth to the West of the City of Greenfield.

Manuel Amaral spoke in favor of his proposal.

Commission Comment and Action

Commission Darington and Rubio provided comments that prompted changes to the draft letter. Commissioner Rubio included Commissioner Darington's comments in his motion.

Upon Motion of Commissioner Rubio, seconded by Commissioner Donohue, changes to the LAFCO comments on the Draft Environmental Impact Report for the Amaral Annexation, were unanimously approved.

**7.e (Pulled Consent Agenda Item) Approve Comments on the Draft Supplement Environment Impact Report for the City of Salinas General Plan Final Program Environmental Impact Report.**

Chair DiMaggio opened this item for public comment.

Public Comment

Bob Richelieu, Planning Manager for the City of Salinas, said that the current annexation does not include any area South of Williams Road, but that it is included in the proposed Salinas Sphere of Influence.

Hans Jongens requested that the area South of Williams Road be totally eliminated as a future growth area.

Chair DiMaggio closed this item to public comment.

Commission Comment and Action

Commissioner Darington requested that a permanent Agricultural Easement area be designated and added to the comment letter. Commissioner Donohue expressed appreciation for the early comments from LAFCO.

Upon Motion of Commissioner Rubio, seconded by Commissioner Perkins, Consent Agenda Items a, b, c, and e: Accept Check Register for September 2007, Accept Legislation Report, Receive List of Anticipated Future Agenda Items, and Approve Comments on the Draft Supplement Environment Impact Report for the City of Salinas General Plan Final Program Environmental Impact Report, were unanimously approved.

## **8: Public Hearing**

### **8.a Consideration of the Proposed “Castroville Community Services District”—Consisting of (1) Dissolution of the Castroville Water District and Castroville County Service Area No. 14; (2) Formation of a new Castroville Community Services District with Boundaries and Services Similar to the Predecessor Districts, and (3) Formation of a Sphere of Influence for the New District (*LAFCO File 07-03*).**

Senior Analyst Mulberg provided staff report

#### **Public Comment**

Eric Tynan, General Manager of the Castroville Water District, thanked LAFCO staff for their work on this proposal.

#### **Commission Action**

Upon Motion of Commissioner Calcagno, seconded by Commissioner Donohue, Consideration of the Proposed “Castroville Community Services District”—Consisting of (1) Dissolution of the Castroville Water District and Castroville County Service Area No. 14; (2) Formation of a new Castroville Community Services District with Boundaries and Services Similar to the Predecessor Districts, and (3) Formation of a Sphere of Influence for the New District (*LAFCO File 07-03*), was unanimously approved.

## **9: Old Business**

### **9.a Was removed from the Agenda.**

### **9.b Continued Consideration of a Discussion Paper on a Proposed Policy to Require Cities to Enter into a Memorandum of Agreement with LAFCO to Address Issues Associated with the Impacts of Planned Growth from Sphere of Influence Updates and Annexations (Continued from September 24, 2007).**

Executive Officer McKenna provided staff report.

Chair DiMaggio opened this item for public comment.

#### **Public Comment**

John Huerta, City of Greenfield Mayor, said that there needs to be a larger discussion of this issue.

William Ross, Attorney representing the City of Soledad, spoke regarding the meet and confer process.

Hans Jongens, expressed concerns with agricultural land preservation and the cost benefits of protecting it.

Noelia Chapa, City Manager for the City of Soledad, spoke concerning City-County discussions and Special District Involvement with the process.

Bill Farrell, Planning Manager for the City of Gonzales, spoke in support of the LAFCO staff recommendation.

Bob Richelieu, Planning Manager for the City of Salinas, encouraged cities to be involved with early discussion with LAFCO.

Chair DiMaggio closed the public comment period and opened the discussion to the Commission.

### Commission Comment and Action

The commission discussed the item.

Three motions were made for this item.

Motion made by Commissioner Rubio, seconded by Commissioner Armenta, to have a study session format prior to structuring the actual Memorandum of Agreement policy, failed due to the following tie vote:

A YES:	Commissioners Rubio, Armenta, and Shirrel
NOES:	Commissioners Calcagno, DiMaggio, and Perkins
ABSTAIN:	Commissioner Donohue
ABSENT:	Commissioners Potter and McGowan

Motion made by Commissioner Calcagno, seconded by Commissioner Perkins, to approve staff recommendation, failed by the following vote:

A YES:	Commissioners Calcagno, Perkins, and DiMaggio
NOES:	Commissioners Armenta, Donohue, Rubio, and Shirrel
ABSTAIN:	None
ABSENT:	Commissioners Potter and McGowan

Motion made by Commissioner Donohue to replace the word “require” with the word “request” in the proposed Memorandum of Understanding policy, failed due to lack of a second for the motion.

## **10: New Business**

**10.a Consider Request from the County of Monterey to Waive LAFCO Processing and Filing Fees for Annexation of the San Jerardo Housing Co-operative to the Boronda County Sanitation District. The Housing Co-operative is Located off Old Stage Road between Chualar and Salinas.**

Senior Analyst McCue provided staff report.

There was no public comment for this agenda item.

Commission Action

Upon Motion of Commissioner Donohue, seconded by Commissioner Rubio, Waiver of the LAFCO Processing and Filing Fees for Annexation of the San Jerardo Housing Co-operative to the Boronda County Sanitation District, was unanimously approved.

**10.b Consider 2008 Schedule of Regular LAFCO Meetings.**

Executive Officer McKenna provided staff report.

There was no public comment for this item.

Commission Comment and Action

Commissioner Rubio requested a change to the January meeting date listed on the draft schedule. The date conflicted with a scheduled holiday.

Upon Motion of Commissioner Perkins, seconded by Commissioner Shirrel, 2008 Schedule of Regular LAFCO meetings with change to January date, was unanimously approved.

**11: Executive Officers Report**

There were no additional items to report.

**Item 12: Correspondence**

A letter relating to Agenda Item No. 7.d was distributed during the course of the meeting. There were no additional items of correspondence.

**Item 13: Closed Session**

**Pursuant to Government Code Section 54956.9 (a) – Existing Litigation**

**The Commission Conferred with Special Legal Counsel Regarding the Following Items:**

- (1) “Carmel Valley Forum, Inc. (Petitioner) vs. Local Agency Formation Commission of Monterey County (Respondent),”  
Superior Court Case Number M83394**
- (2) “William Sims, Mark Spindler, Sharon Waller, and Valley Volunteers, Inc. (Petitioners) VS. Monterey County Local Agency Formation Commission also known as LAFCO of Monterey County (Respondent),”  
Superior Court Case Number M79069**

The meeting was called into closed session by Chair DiMaggio.

The meeting was reopened from closed session with no reportable action.

**Item 14: Adjournment**

On motion of Chair DiMaggio, there being no objections, the meeting was unanimously adjourned at 7:35 p.m. to a protest hearing to be held on Monday, November 19, 2007 at 1:00 p.m. at the LAFCO Office, 132 W. Gabilan St., Ste. 102, Salinas, California.

Respectfully Submitted,

Rachelle Jones  
LAFCO Clerk